

***MINUTES OF PINE COUNTY BOARD MEETING Regular Meeting***

**Tuesday, December 15, 2009 1:00 p.m. Public Works Building in Sandstone**

Chairman Montbriand called the meeting to order at 1:00 p.m. Present were Commissioners, Doug Carlson, Steven Chaffee, Stephen Hallan and Curt Rossow. Also present was Clerk to the County Board, County Coordinator Mark LeBrun.

The Pledge of Allegiance was said.

Chairman Montbriand called for public comment. No comment made.

Commissioner Chaffee moved to adopt the amended agenda, Commissioner Rossow seconded. Motion carried.

Commissioner Carlson moved to approve the minutes of the November 24, 2009 Committee of the Whole Meeting and the December 1, 2009 County Board Meeting. Commissioner Hallan seconded. Motion carried.

Commissioner Hallan moved to approve the consent agenda, Commissioner Rossow seconded. Motion carried.

**Minutes of Boards, Committees and Board Memos, Newsletter**

1. Highway Maintenance Department Monthly Report, November 2009.
2. Pine County Soil and Water Conservation District November 24, 2009 meeting minutes and December 17, 2009 meeting agenda.
3. Pine County HRA Sr. Housing Board meeting minutes, October 28, 2009

**\*\*CONSENT AGENDA\*\***

**Auditor**

1. Cash Balance as of November 30, 2009

Revenue Fund	\$ (2,662,953.35)
Human Services Fund	\$ 2,050,212.33
Road and Bridge Fund	\$ 1,311,830.27
Land Management Fund	\$ 1,314,603.83

## **Auditor continued**

2. Approve Application to Conduct Annual Off-Site Gambling for Jens H. Jensen American Legion Post 243 to be conducted at Oak Lake public access in Kerrick Township for the Annual Kerrick Fire and Rescue Department Ice Fishing Contest to be held February 20, 2010.

## **Probation**

1. Recognition of contracted vendor change for the Juvenile Diversion Contract to Jessica Nordrum effective January 1, 2010.

## **Land/Zoning**

1. Land and Cabins “Rolling Oaks” Preliminary Plat

## **\*\*REGULAR AGENDA\*\***

### **Sheriff**

Sheriff Mark Mansavage introduced **members** of the **Pine County Chaplain’s**; Mary Thorvig, **Monty Jarvis**, Peter Dobson, Marlin Degerstrom, Ann Ord and Coral Popowitz. Sheriff Mansavage began the commissioning ceremony.

### **The following oath was read aloud:**

**Sheriff Mark Mansavage:** I have been authorized to commission these Chaplains who have received training and are ready to accept the call to serve in my Office. In that capacity, I will ask you to commit to following the guidelines established by the International Conference of Police Chaplains: ...to serve as called by the Sheriff’s Office, to assist as requested in providing assistance to victims and survivors of any accident or trauma, to work cooperatively with other members of the clergy and to provide emotional support and spiritual guidance to any Emergency Response Personnel who seeks such help. An important requirement is to maintain confidentiality in all situations and to observe the chain-of-command established by the Sheriff

**Sheriff Mark:** Will you accept this commission and carry it out in accordance with the Code of Ethics of the International Conference of Police Chaplains?

**Chaplains:** I Coral Popowitz and Ann Ord accept the duties and responsibilities of Chaplain with the Pine County Sheriff's Office. As Chaplain, I will obey all lawful orders and commands of the Officers with whom I work and shall maintain all personal matters shared with me in a high degree of confidence. I realize and accept that my duty as a Chaplain is to serve all people of all faiths. As a Chaplain, I accept the challenge of teaching through my conduct, charity and willingness to help in all situations. I promise to obey the laws of our city, state and nation, to serve with a joyful heart, and be available whenever called upon. By the Grace of God, I affirm my call to service as a Chaplain with the Pine County Sheriff's Office.

**Sheriff Mark:** (Addressing the County Board Members) And you who represent the people of Pine County, will you support the work of these Chaplains as they carry out their ministry with the Sheriff's Office?

**County Board Members:** We will.

**Prayer:** Almighty God, we pray for all those who serve as Emergency Personnel - Sheriff Mark, the deputies, ambulance crew members, firemen and all of the support staff. They have accepted the task of keeping peace and order in your world by responding to situations of stress and danger. And now we ask that you guide these newly commissioned Chaplains as they work to serve in these same situations. Strengthen them for their duties, give them patience, wisdom and compassion. Keep them and the people they serve in your care. In your name, Amen.

Sheriff Mansavage thanked each of the chaplains for their services each time they are called upon.

Sheriff Mansavage presented a request to increase Jail booking fees from \$10.00 to \$20.00 effective January 2, 2010. Sheriff Mansavage stated the increase would be consistent with other District 2 Jails. Commissioner Rossow motioned to approve the increase in Jail booking fees effective January 1, 2010. Commissioner Chaffee seconded, motion carried.

Further discussion was held regarding the Hinckley policing contract. Sheriff Mansavage stated the City has sent the County a letter stating it was in breach of contract. Commissioner Chaffee stated he has spoken with most of the council members and asked that the Sheriff, County Attorney, City Attorney and council meet to resolve the issue. Board consensus is to schedule a meeting with city to come to a resolution.

## **Coordinator**

Coordinator LeBrun introduced Lezlie Sauter, Lakes and Pines Project Manager to further discuss the Small Cities Development Program. Project Manager Sauter requested a Local Government Application Resolution be passed allowing Pine County to act as legal sponsor for projects contained within the application. Ms. Sauter explained the State has revised the target area. Commissioner Rossow motioned to approve and adopt said resolution. Commissioner Hallan seconded. Resolution passed unanimously.

## **Local Government Application Resolution**

BE IT RESOLVED that Pine County act as the legal sponsor for the project contained in the Application to be submitted on January 14, 2010 and that County Coordinator, Mark A. LeBrun and Health and Human Services Director Linda Cassman are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Pine County.

BE IT FURTHER RESOLVED that Pine County has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Pine County has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, Pine County may enter into an agreement with the State of Minnesota for the approved project, and that Pine County certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE BE IT RESOLVED that County Coordinator Mark LeBrun and Health and Human Services Director Linda Cassman, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the Applicant.

Project Manager Sauter also stated the board would need to make a decision as to how it would loan the monies. Ms. Sauter stated one option would be to grant the funds on a 10-year basis and if all conditions are met the debt would be forgiven. The second option stated by Ms. Sauter would be to loan the monies at a low interest rate. Commissioner Hallan motioned to use the full amount of the Rehabilitation Funds remaining and allow applicants to be granted the funds on a 10-year basis with forgiveness of debt should all conditions be met at the end of the 10 years and also that single-families and low-income families be given highest precedence. Commissioner Rossow seconded, motion carried.

Project Manager Sauter requested approval for a relocation assistance plan. Discussion was held regarding prevention of the possibility of one case exhausting all of the funds. Commissioner Carlson motioned to approve and adopt the plan contingent on review and approval of the County Attorney. Commissioner Chaffee seconded, motion carried. Commissioner Hallan thanked Ms. Sauter for all of the work she has put into preparing for this project.

Coordinator LeBrun presented the 2010 Elected Officials salaries for approval. Coordinator LeBrun explained the salaries will remain unchanged from 2009. Commissioner Carlson motioned to approve the 2010 Elected Officials salaries as presented. Commissioner Rossow seconded, motion carried.

Coordinator LeBrun presented for approval a Resolution Establishing County Commissioner Compensation and Per Diems for 2010. Coordinator LeBrun stated the salary and per diem rate remains unchanged from 2009. Commissioner Carlson motioned to approve and adopt said resolution. Commissioner Hallan seconded. Resolution passed unanimously.

RESOLUTION ESTABLISHING COUNTY COMMISSIONER  
COMPENSATION AND PER DIEMS FOR 2010

WHEREAS, M.S. 375.055 and 375.06 set forth the authorization for compensation of Minnesota County Commissioners; and

WHEREAS, Pine County Commissioners are eligible to receive per diem payments in accordance with the above referenced statutes;

NOW THEREFORE BE IT RESOLVED that an annual salary shall be paid to each Pine County Commissioner;

BE IT FURTHER RESOLVED that Commissioners may receive payment of per diem (only one per diem per day) for meetings for county or committee meetings;

BE IT FURTHER RESOLVED that Commissioners may be allowed and paid for actual and necessary traveling expenses incurred while attending meetings of the County Board;

NOW THEREFORE BE IT RESOLVED that the following be deemed eligible for per diem reimbursement: Regular County Board Meetings, Committee Meetings, Temporary or one time meetings as directed by the Board or the Board Chair, Special County Board Meetings, Emergency County Board Meetings, AMC Meetings, and all other meetings that meet requirements of MN Statute 375.055.

And that the following are ineligible for per diem reimbursement:

Board of Equalization  
Canvassing Board

A Commissioner shall not be entitled to County reimbursement of per diem, mileage, or other expenses if the Committee to which they have been appointed has reimbursed the expense incurred.

The salary for County Commissioners for 2010 shall be	\$21,208.00
The per diem rate per meeting for 2010 is	\$75.00

The mileage reimbursement rate for 2010 is to follow the federal rate, not to exceed \$0.50/mile.

Coordinator LeBrun presented for approval the 2010 County-wide mileage rate reimbursement. Coordinator LeBrun stated his recommendation of staying with \$0.50/mile. Commissioner Hallan stated he would like it to follow the federal rate stating employees asked to drive personal vehicles for county purposes should be reimbursed at the federally set

rate. Commissioner Hallan motioned to set the county-wide mileage rate to follow the federal rate. Commissioner Rossow seconded. Commissioner Carlson stated his opposition to treating different classes of people differently. Motion carried.

Coordinator LeBrun presented for approval the 2010 East Central Regional Library Board budgeted payment in the amount of \$301,928. Commissioner Hallan motioned to approve the payment as presented. Commissioner Chaffee seconded, motion carried.

Coordinator LeBrun presented the 2010 final budget. Coordinator LeBrun explained recent changes to the revenue amounts for the Recorder and the Jail. Commissioner Carlson questioned County Auditor Clemmer what the undesignated fund balance is. County Auditor Clemmer stated the fund had a negative balance in 2008, but mid-year adjustments have helped and the fund is gaining. Commissioner Hallan motioned to approve the 2010 Budget as presented. Commissioner Chaffee seconded, motion carried.

<b>DEPT #</b>	<b>REVENUE DEPARTMENT</b>	<b>REVENUES</b>	<b>EXPENDITURES</b>
5	COUNTY BOARD COURT		207,355.00
13	ADMINISTRATOR	26,000.00	40,000.00
20	LAW LIBRARY	20,000.00	20,000.00
41	COUNTY AUDITOR	81,000.00	451,623.00
53	COUNTY TREASURER INFORMATION	-	178,942.00
61	SYSTEMS	20,000.00	300,830.00
62	CENTRAL SERVICES	45,000.00	110,000.00
63	TRUTH IN TAXATION ELECTIONS	7,000.00	13,000.00
71	ADMINISTRATIONS	8,000.00	49,500.00
72	COORDINATOR	-	272,907.00
91	COUNTY ATTORNEY CO BOARD ATTORNEYS	85,100.00	721,349.00
92	& CONSULTANTS	-	20,000.00
101	COUNTY RECORDER	230,822.00	340,628.00
105	COUNTY ASSESSOR	169,000.00	417,759.00
107	PLANNING & ZONING		

		50,000.00	104,653.00
111	GOVT BUILDING OPERATIONS	100,000.00	606,814.00
			73,419.00
121	VETERANS SERVICE	-	
201	COUNTY SHERIFF	725,121.00	3,151,103.00
204	SHERIFF DISPATCH	-	594,457.00
205	BOAT & WATER SAFETY ENFORCEMENT	5,600.00	6,200.00
206	STATE SNOWMOBILE SAFETY GRANT	4,204.00	5,400.00
208	ATV EXPENSE	9,426.00	9,426.00
210	GUN PERMITS	20,000.00	12,000.00
211	SHERIFF'S CHAPLAIN CORP	2,500.00	2,500.00
212	SHERIFF'S CANINE UNIT	-	6,000.00
227	ENHANCE 911	105,163.00	98,161.00
228	RURAL ADDRESSING	-	7,000.00
249	MEDICAL EXAMINER	-	45,000.00
251	COUNTY JAIL	794,500.00	3,044,953.00
255	COURT SERVICES	388,585.00	656,101.00
256	SENTENCE TO SERVE	-	68,163.00
281	CIVIL DEFENSE- EMERGENCY MGMT	18,000.00	27,044.00
391	SOLID WASTE	350.00	78,893.00
392	SCORE - RECYCLING	68,000.00	124,553.00
501	EAST CENTRAL REGIONAL LIBRARY	-	302,828.00
502	HISTORICAL SOCIETY	-	10,000.00
601	SOIL & WATER CONSERVATION DISTRICT	-	65,698.00
602	COUNTY EXTENSION COMMITTEE		1,100.00

603	COUNTY EXTENSION OFFICE	-	135,050.00
604	AGRICULTURE SOCIETY		10,000.00
607	PINE COUNTY WATER PLAN (SWCD)	18,971.00	34,009.00
609	AGRICULTURAL INSPECTOR		150.00
612	WETLAND EXPENSE SNAKE RIVER	39,448.00	78,896.00
613	WATERSHED BOARD		10,393.00
702	PINE COUNTY HOUSING AUTHORITY		4,000.00
711	PINE COUNTY PUBLIC TRANSPORTATION		10,000.00
801	NON-DEPARTMENTAL ECONOMIC	9,799,187.00	260,782.00
813	DEVELOPMENT		6,400.00
	<b>TOTAL</b>	<b>12,840,977.00</b>	<b>12,795,039.00</b>
<b>DEPT #</b>	<b>HEALTH &amp; HUMAN SERVICE</b>	<b>REVENUES</b>	<b>EXPENDITURES</b>
12-401	HEALTH & HUMAN SERVICES	<b>8,014,613.00</b>	<b>8,432,307.00</b>
<b>DEPT #</b>	<b>HIGHWAY DEPARTMENT</b>	<b>REVENUES</b>	<b>EXPENDITURES</b>
13-310	HIGHWAY ADMINISTRATION		534,966.00
13-320	HIGHWAY ENGR/CONSTRUCTION		5,078,408.00
13-330	HIGHWAY MAINT & EQUIPMENT		1,457,570.00
13-340	HIGHWAY EQUIP REPAIR & SHOP		1,510,035.00
13-801	HIGHWAY NON- DEPARTMENTAL	8,652,396.00	45,102.00
	<b>TOTAL</b>	<b>8,652,396.00</b>	<b>8,626,081.00</b>
<b>DEPT#</b>	<b>DITCH</b>	<b>REVENUES</b>	<b>EXPENDITURES</b>
14	DITCH	-	-

DEPT#	REHAB	REVENUES	EXPENDITURES
20	REHAB	-	
DEPT#		REVENUES	EXPENDITURES
22-703	RESOURCE DEVELOPMENT - LAND	670,100.00	622,999.00
22-704	RESOURCE DEVELOPMENT		5,000.00
22-705	ROAD FUND GAS TAX	5,245.00	
22-707	TIMBER DEVELOPMENT	47,101.00	10,000.00
	<b>TOTAL</b>	<b>722,446.00</b>	<b>637,999.00</b>
DEPT #	STREET CONST BONDS	REVENUES	EXPENDITURES
35-810	STREET CONST BONDS	792,943.00	787,075.00
DEPT #	RAILROAD AUTHORITY	REVENUES	EXPENDITURES
37-810			40,000.00
DEPT#	2005 JAIL BONDS	REVENUES	EXPENDITURES
39-810	2005 JAIL BONDS	768,850.00	732,210.00
DEPT#	2005 HRA BONDS	REVENUES	EXPENDITURES
41-810	2005 HRA BONDS	<u>631,556.00</u>	<u>631,556.00</u>
<b>Total</b>		<b>32,423,781.00</b>	<b>32,682,267.00</b>

Coordinator LeBrun presented the 2010 Levy for approval. Coordinator LeBrun stated it remains unchanged from the 2009 Levy. Brief discussion held. Commissioner Carlson motioned to approve the 2010 Levy as presented. Commissioner Rossow seconded, motion carried.

	GROSS LEVY	2010 PROGRAM AID	TAX LEVY NET LEVY
REVENUE	\$7,823,489	\$0	\$7,823,489
WELFARE	\$2,700,000		\$2,700,000
ROAD & BRIDGE	\$1,575,000		\$1,575,000
RAIL AUTHORITY	\$40,000		\$40,000
ST. CONST BOND	\$787,075		\$787,075
JAIL BOND	\$732,210		\$732,210
HRA	\$631,556		\$631,556
<b>TOTAL</b>	<b>\$14,289,330</b>	<b>\$0</b>	<b>\$14,289,330</b>

### **Public Works**

Coordinator/Engineer LeBrun presented a Resolution Approving Condemnation on CSAH 55, SAP 58-655-05. Engineer LeBrun stated there are three parcels that haven't come to agreement County Attorney Carlson stated that with different circumstances an agreement is not something that can necessarily be reached, an added the condemnation process can take four to six months. Commissioner Rossow motioned to approve and adopt the resolution as presented. Commissioner Chaffee seconded. Roll call vote called by Coordinator LeBrun:

- District 1 – yes
- District 2 – yes
- District 3 – yes
- District 4 – yes
- District 5 – yes

Resolution passed unanimously.

### **RESOLUTION FOR ACQUISITION FOR HIGHWAY PURPOSES**

**Whereas**, the Pine County Highway Department proposes to reconstruct and improve a portion of County State Aid Highway Number 55, known as State Aid Project Number 58-655-05 located between Ridgeway Road Northeast and 700 feet South of Pine County Road Number 125, from 53.41 feet North of the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 22, Township 39 North, Range 21 West, to 689.26 feet South of the Center of Section 10, Township 39 North, Range 21 West; and,

**Whereas**, the improvement consists of widening and reconstructing said roadway and surfacing with aggregate base, as herein determined necessary to provide for the safety of the traveling public; and,

**Whereas**, in addition to the existing highway easements, certain land and interests therein

(hereinafter “New Right of Way”) are required to construct the project; and,

**Whereas**, negotiations with landowners along said roadway have been ongoing, with no agreement reached as to the following:

Parcel No. 2 Kevin E. Thompson  
Castle Rock Bank

Parcel No. 8 Donald Paul Klande and Fay C. Klande  
Douglas Heitman and Tye Heitman  
Kim Klande and Serena Klande  
Darlene B. Klande

Parcel No. 11 Donald Paul Klande and Fay C. Klande  
Douglas Heitman and Tye Heitman  
Kim Klande and Serena Klande  
Darlene B. Klande

**NOW, THEREFORE, BE IT RESOLVED** that the County Board of Commissioners hereby authorizes the County Highway Engineer to proceed to acquire the New Right of Way in accordance with Minnesota Statutes.

**BE IT FURTHER RESOLVED**, that those lands as described above which cannot be acquired by direct negotiation, shall be acquired by eminent domain and the County hereby requests the County Attorney to file the necessary petition therefore and to prosecute such action to a successful conclusion or until it is abandoned, dismissed or terminated by the County or Court.

### **County Attorney**

County Attorney John Carlson informed the Board on a Minnesota Tax Court exemption ruling regarding the Blacklock Nature Sanctuary. County Attorney Carlson stated that of the 153 acres owned in Pine County the court has ruled that 40 acres shall receive the exemption they applied for the year 2006 and ongoing. No action requested or taken, informational only.

Commissioner Rossow asked for a personal point of privilege and thanked Chairman Montbriand for acting as the Board’s Chair for the past year.

**Upcoming Meetings Announced:**

Arrowhead Counties Association, Wednesday, December 16, 2009 6:00 p.m. Grandma's Sandbar, Duluth, MN \* note change in location.

Committee of the Whole meeting, Monday December 21, 2009 9:00 a.m. Public Health Building, Sandstone MN

Personnel Committee meeting, Monday December 21, 2009, 1:00 p.m. Public Health Building, Sandstone, MN

Management Team meeting, Tuesday, December 22, 2009, 9:00 a.m. Jury Assembly Room, Pine County Courthouse, Pine City, MN, via ITV John Wright Collaborative Building conference room, Sandstone, MN

With no further business, Chairman Montbriand adjourned the County Board meeting at 2:45 p.m., until the next scheduled County Board Meeting on January 5, 2010 at 10:00 a.m. in the Boardroom of the Pine County Courthouse.

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Mark LeBrun, Coordinator  
Clerk to County Board

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Ed Montbriand, Chair  
Board of County Commissioners